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Applicants:	Paula M. Sosalla et al.	Docket No.:	19,682
Serial No.:	10/748,411	T.C./A.U.:	3761
Confirmation No.:	7552	Examiner:	Hand, Melanie Jo
Filed:	December 29, 2003	Date:	February 8, 2008
For:	ARTICLE FEATURING AN INTERIOR GRAPHIC		

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Reply Brief

This is a reply to the Examiner's Answer mailed December 10, 2007.

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Status of Claims

Claims 1-24 remain in the application with claims 1-24 being finally rejected. Claims 1-24 are being appealed and are listed in the Claims Appendix.

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Grounds of Rejection to be Reviewed on Appeal**Ground 1**

Claims 1-9, 12, and 14-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0064113 to Erdman (hereinafter "Erdman").

Ground 2

Claims 10, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being obvious and thus unpatentable over Erdman.

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Argument

Ground 1 -- Rejection Of Claims 1-9, 12, and 14-24

Claims 1-9, 12, and 14-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Erdman. The Appellants respectfully submit that the Examiner's rejection is improper and should be reversed. The Appellants' arguments with respect to claims 1-9, 12, and 14-24 stand as presented in the Brief on Appeal filed September 21, 2007. Further:

In the Advisory Action mailed on July 27, 2007, the Examiner appears to argue that because each layer disclosed by Erdman must have two sides, one of those sides must face the exterior of the article (the garment side) and the other side must face the interior of the article (the body-facing side). This is true so far, but the Examiner takes it one step further and implies that because each layer has a side facing the interior, any one of these interior-facing sides can be the interior article surface. This is not true. The article can only have one interior surface. In the present application, the interior article surface 28 is provided in part by the interior liner surface 94 of the bodyside liner 42 (see paragraph 0028). Erdman does not define an interior article surface because it does not need to; the interior article surface has no bearing on the Erdman disclosure because Erdman does not disclose, teach, or suggest disposing an active graphic on an interior article surface.

The Examiner's Answer of December 10, 2007 presents a somewhat refined version of this argument. The Examiner states that Erdman in paragraph 0034 teaches that "active graphics may be disposed anywhere in the instant absorbent garment and printed on any portion thereof such that they are visible through the inner lining, on another layer above the absorbent core **that defines an interior article surface, insofar as the layer is not an exterior layer defining an exterior surface of the article (i.e. the outer cover).**" Emphases added. The bolded text does not appear in Erdman in any form or description. It is conjecture added by the Examiner, and it contradicts the first part of the statement, namely that the graphic is "visible through the inner lining, as viewed from the inside of the absorbent article." Erdman, paragraph 0034, emphasis added. The Examiner's added, bolded text is based on the italicized text also added by the Examiner (and also not in Erdman). As in the Advisory Action discussed above, the Examiner again appears to argue that any surface that is not an exterior surface of the article must be the interior surface of the article. In its most basic form, an

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absorbent article generally has three layers (cover, absorbent, liner) with a total of six surfaces. Only one of these six surfaces can be the interior surface of the article, and only one can be the exterior surface of the article. Each additional layer added to the article adds two additional surfaces, but there can still only be one out of the total that is the interior surface of the article, and only one that is the exterior surface of the article. All other surfaces will essentially be between and within the interior and exterior article surfaces.

In this respect, the Examiner's logic is flawed. Erdman does not disclose, teach, or suggest anything on the interior surface of the article. Erdman, in fact, does not mention the interior surface of the article or the interior-facing surface of its top sheet 14. It might be instructive to explore why Erdman is unconcerned with this surface. Inks that disappear/dissolve in the presence of a liquid, such as the positive graphics of Erdman (see Erdman, paragraph 0108), can easily transfer to the skin, particularly if they are positioned near the wearer. This appears to be a concern of Erdman, as Erdman does not disclose what inks or dyes might be used to avoid this common problem of ink transferring to the wearer's skin. This also appears to be a concern of Erdman because Erdman discloses positioning the graphic such that it is visible through the inner lining, meaning there is at least one layer of material interposed between the ink and the wearer.

Because Erdman does not disclose, teach or suggest, *inter alia*, disposing at least one interior graphic on the interior article surface, Erdman cannot anticipate independent claims 1, 18, 19, or 24, or the remaining claims that depend therefrom.

Ground 2 – Rejection Of Claims 10, 11, and 13

Claims 10, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being obvious and thus unpatentable over Erdman. The Appellants respectfully submit that the Examiner's rejection is improper and should be reversed. The Appellants' arguments with respect to claims 10, 11, and 13 stand as presented in the Brief on Appeal filed September 21, 2007.

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Conclusion

For the reasons stated above it is Appellants' position that the Examiner's rejection of claims has been shown to be untenable and should be reversed by the Board.

Therefore, in addition to the reason set forth in Appellants' Appeal Brief, the rejections of the claims on appeal are submitted to be in error for the reasons set forth above. Appellants do not believe that any fee is due. However, the Commissioner is hereby authorized to charge any deficiency or overpayment of any fees to Deposit Account No. 11-0875. The undersigned may be reached at 920-721-8863.

Respectfully submitted,

PAULA M. SOSALLA ET AL.

By: 

Randall W. Fieldhack, Attorney for Appellants,
Registration No. 43,611

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Claims Appendix

The claims on appeal are:

1. An absorbent article defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article comprising:
 - an outercover defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface;
 - an absorbent body disposed on said interior outercover surface; and
 - at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic.
2. The article of claim 1 wherein said active interior graphic is a fading graphic.
3. The article of claim 1 wherein said active interior graphic is an appearing graphic.
4. The article of claim 1 further comprising a bodyside liner placed in superposed relationship with said interior outercover surface, wherein said absorbent body is sandwiched between said outercover and said bodyside liner, and wherein said interior article surface is provided at least in part by said bodyside liner.

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5. The article of claim 4 wherein said bodyside liner defines an interior liner surface and an exterior liner surface opposite said interior liner surface, and wherein said interior graphic is applied on said exterior liner surface.

6. The article of claim 4 further comprising an interior graphic layer sandwiched between said absorbent body and said bodyside liner, and wherein said interior graphic is applied on said graphic layer.

7. The article of claim 6 wherein said interior graphic layer is a surge layer.

8. The article of claim 1 further defining a front waist edge, a back waist edge, and an article length in said longitudinal direction, wherein said interior graphic is spaced from said front waist edge in said longitudinal direction by between 25 % and 50 % of said article length.

9. The article of claim 1 further defining a front waist edge, a back waist edge, and an article length in said longitudinal direction, wherein said interior graphic is spaced from said front waist edge in said longitudinal direction by between 35 % and 60 % of said article length.

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10. The article of claim 1 wherein said at least one interior graphic defines a total interior graphic area and wherein said total interior graphic area is at least 25 square cm.

11. The article of claim 1 wherein said at least one interior graphic defines a total graphic area and wherein said total interior graphic area is at least 45 square cm.

12. The article of claim 1 further comprising a plurality of interior graphics.

13. The article of claim 12 wherein said plurality of interior graphics defines a total interior graphic area and wherein said total graphic area is at least 25 square cm.

14. The article of claim 1 further comprising at least one exterior graphic disposed on said exterior article surface.

15. The article of claim 14 wherein said at least one exterior graphic comprises a plurality of exterior graphics, and wherein at least one of said plurality of exterior graphics is an active graphic.

16. The article of claim 15 wherein said active exterior graphic is a fading graphic.

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17. The article of claim 14 wherein said at least one exterior graphic defines an exterior graphic theme, and wherein said interior graphic is related to said exterior graphic theme.

18. An absorbent article defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article comprising:

an outercover;

a bodyside liner placed in superposed relationship with said outercover;

an absorbent body sandwiched between said outercover and said bodyside liner, said outercover disposed toward said exterior article surface and said bodyside liner disposed toward said interior article surface; and

at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is a fading graphic.

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19. An absorbent article defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, a first waist region, a second waist region, and a crotch region connecting the first and second waist regions, said article comprising:

side panels extending from and connecting said first and second waist regions in a pant configuration to form a waist opening and a pair of leg openings;

an outercover defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface;

an absorbent body disposed on said interior outercover surface; and

at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic.

20. The article of claim 19 wherein said active interior graphic is a fading graphic.

21. The article of claim 19 comprising a bodyside liner placed in superposed relationship with said interior outercover surface, wherein said absorbent body is sandwiched between said outercover and said bodyside liner, and wherein said interior article surface is provided at least in part by said bodyside liner.

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22. The article of claim 21 wherein said bodyside liner defines an interior liner surface and an exterior liner surface, and wherein said interior graphic is applied on said exterior liner surface.

23. The article of claim 21 further comprising an interior graphic layer sandwiched between said absorbent body and said bodyside liner, and wherein said interior graphic is applied on said graphic layer.

24. An article defining an interior article surface and an exterior article surface opposite said interior article surface, said article comprising:

an outercover defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; and

at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.